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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: IB Docket No. 96-220
File No. 29-SAT-AMEND-95
Ex Parte Presentation

Dear Mr. Caton:

In response to a request from the staff of the International Bureau, Volunteers in Technical Assistance ("VITA"), by its attorneys, hereby summarizes its current position with respect to its second processing round application for a non-voice, non-geostationary mobile-satellite service ("NVNG MSS" or "Little LEO") system.

Background

For more than a decade, VITA has sought to develop the Little LEO service and to employ that service to advance its humanitarian objectives.¹ In 1990, it requested authority from the Commission to construct, launch and operate a two-satellite NVNG MSS system. These two satellites, VITASAT-1 and VITASAT-2, would operate in the 149.81-149.9 MHz (uplink) and 400.505-400.595 MHz (downlink) bands.

In 1994, VITA requested authority to construct, launch and operate a third satellite as part of its Little LEO system. Because VITASAT-3 would operate on different frequencies from those proposed for VITASAT-1 and VITASAT-2, the

¹ See Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum to the Fixed-Satellite Service and the Mobile-Satellite Service for Low Earth Orbit Satellites, Report and Order, 8 FCC Rcd 1812, 1817 (1993) (granting VITA a "Pioneer's Preference" for its work in developing the Little LEO service).

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Commission decided to treat this portion of VITA's application as part of its NVNG MSS second processing round.²

In 1995, the International Bureau authorized VITA to construct, launch, and operate VITASAT-1.³ Subsequently, however, that satellite was destroyed in a launch failure. In 1997, the Bureau authorized VITA to launch a replacement spacecraft, VITASAT-1R.⁴

In the Order granting VITA authority to construct, launch and operate VITASAT-1R, the International Bureau also denied VITA's application for VITASAT-2.⁵ On April 4, 1997, VITA sought reconsideration of the Bureau's denial of the VITASAT-2 application. This request remains pending, as does VITA's application for VITASAT-3.

Summary of Position

VITA has faced a number of hurdles in placing its Little LEO system into operation, which together have delayed the deployment of VITA's first-round system and limited its access to spectrum. The most significant of these include the loss of its first satellite during launch; VITA's agreement to use only two narrow, 90 kHz bands and to accept limitations on transmissions within those bands in order to avoid mutual exclusivity with the other first-round Little LEO applicants and to coordinate its system with NTIA; and the necessity for VITA to forego the use of a portion of its 90 kHz downlink band in order to complete the coordination of its system with the French government.

In addition, interest in the NVNG MSS service has increased dramatically since VITA filed its original application. This, in turn, has created mutual exclusivity among the second-round applicants and delayed Commission action on VITA's request to expand its system to include a third satellite.

In light of the developments discussed in the previous paragraphs, VITA's principal priority at this time is to secure adequate spectrum for its first round satellite(s). To that end, VITA urges the Commission to take the following actions.

² VITASAT-3 would operate in the following frequency bands: 148-150.05 MHz, 137-138 MHz, and 400.15-401 MHz.

³ *Application of Volunteers in Technical Assistance for Authority to Construct, Launch and Operate a Non-Voice, Non-Geostationary Mobile-Satellite System*, 11 FCC Rcd 1358 (1995).

⁴ *Application of Volunteers in Technical Assistance for Authority to Construct, Launch and Operate a Non-Voice, Non-Geostationary Mobile-Satellite System*, DA 97-501 (International Bureau) (released Mar. 7, 1997).

⁵ Id.

1. The Commission Should Permit VITA To Uplink Across The Full FDMA/TDMA Portion of the 149.9 MHz Band.

Currently, VITA is permitted to employ only a narrow, 90 kHz uplink band, at 149.81-149.9 MHz. VITA requests that its authority be amended to permit its users to select channels from the full FDMA/TDMA portion of the 148-149.9 MHz band, i.e., from 148.905 MHz to 149.9 MHz. This change would apply both to VITASAT-1R and, if reconsideration of the VITASAT-2 denial is granted, to VITASAT-2.⁶

By expanding VITA's uplink band, the Commission would reduce the probability that VITA and others sharing VITA's existing uplink band would seek to transmit simultaneously on the same frequencies. This, in turn, would reduce the number of instances in which a licensee's or government user's attempted transmission is blocked by another licensee's transmission.

The proposed change to VITA's uplink band would not, however, increase the overall capacity of VITA's system. Without an increase in the number of satellites in VITA's constellation, the system's capacity will remain constant irrespective of the number of channels from which uplink transmissions are selected.

The sole first-round FDMA/TDMA Little LEO licensee, ORBCOMM, and all of the second round applicants other than Leo One agreed to this change in VITA's operating authority in the context of the "X/Y" proposed settlement.

2. The Commission Should Restore VITA's Access To 90 kHz Of Usable Downlink Spectrum.

In the band plan adopted for the first-round licensees, VITA was granted access to 90 kHz of uplink spectrum and 90 kHz of downlink spectrum. Subsequently, however, VITA lost the use of nearly half of its downlink spectrum as a result of its coordination with the French Little LEO system, S-80.

VITA, therefore, requests that it be allocated 43.3 kHz of additional downlink spectrum in order to restore to it 90 kHz of usable spectrum. As above, this change would apply both to VITASAT-1R and, if reconsideration of the VITASAT-2 denial is granted, to VITASAT-2.

STARSYS's decision to relinquish its first-round license creates the opportunity to grant VITA's request without further reducing the amount of spectrum available for second-round systems. VITA respectfully requests that the Commission permit VITA to use 43.3 kHz of the 400 kHz band spectrum that was to have been used by

⁶ For a more detailed discussion of this issue, see Letter from Joseph A. Godles to Peter Cowhey (May 13, 1997).

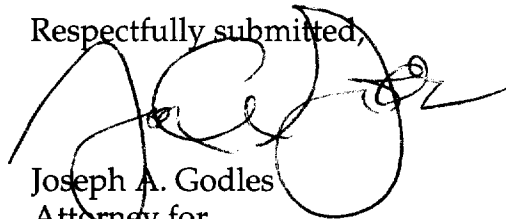
STARSYS. While VITA generally does not endorse the concept of time sharing, in the interest of avoiding mutual exclusivity with a second round system it would consider time sharing the re-allocated spectrum with a newly-authorized second-round system.

3. Unless The Commission Grants The Relief Requested Above, It Should Not Authorize Any Additional Little LEO Systems To Use VITA's Bands.

The 149.81-149.9 MHz (uplink) and the 400.505-400.595 MHz (downlink) bands to be used by VITA already shoulder a heavy sharing burden. Indeed, as noted above, VITA already has been required to limit its operations in several important respects in order to make sharing possible within these bands.

Introducing another system into these bands would add yet another layer of complexity onto an already difficult sharing scenario and potentially would constrain VITA's already limited use of its very small amount of spectrum. For this reason, and because sufficient other unshared spectrum exists to accommodate the introduction of two second processing round NVNG MSS systems, VITA urges the Commission not to authorize any second-round system to transmit in the 149.81-149.9 MHz (uplink) and the 400.505-400.595 MHz (downlink) bands unless it grants the relief requested above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joe Godles", is written over the typed name and title.

Joseph A. Godles
Attorney for
Volunteers in Technical Assistance

cc: Attached Service List

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing letter was sent by first-class mail, postage prepaid, this 28th day of August, 1997, to each of the following:

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